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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JOHN C. TAYLOR,

12 Plaintiff,

13 vs.

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15 NATIONWIDE CREDIT INC.,

16 Defendant.
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CASE NO. 11 CV 1472 MMA (BGS)

**ORDER GRANTING KROHN &
MOSS, LTD.'S MOTION TO
WITHDRAW AS COUNSEL OF
RECORD**

[Doc. No. 7]

18 Currently pending before the Court is Krohn & Moss, Ltd.'s motion to be relieved as
19 counsel of record for Plaintiff John C. Taylor, pursuant to Civil Local Rule 83.3(g)(3). [Doc. No.
20 7.] The motion was set for hearing on December 19, 2011. On December 7, with no objections
21 filed, the Court deemed the motion suitable for decision on the papers and without oral argument
22 pursuant to Civil Local Rule 7.1(d)(1). [Doc. No. 14.] For the reasons stated below, the Court
23 **GRANTS** Krohn & Moss, Ltd.'s motion to withdraw as counsel.

24 **DISCUSSION**

25 On July 5, 2011, Plaintiff filed the pending action against Defendant Nationwide Credit
26 Inc., alleging violations of the Fair Debt Collection Practices Act and California's Rosenthal Fair
27 Debt Collection Practices Act. [Doc. No. 1.] Defendant answered on October 12, 2011. [Doc.
28 No. 4.] The Magistrate Judge then set an Early Neutral Evaluation ("ENE") for November 16,

1 2011. [Doc. No. 6.] Prior to the ENE, Plaintiff's counsel of record, Krohn & Moss filed the
2 present motion to withdraw as counsel. [Doc. No. 7.] Plaintiff's counsel was present at the
3 November 16 ENE, but John C. Taylor failed to appear as instructed by the Court. [Doc. No. 8.]
4 The Magistrate Judge issued an order to show cause why Taylor should not be sanctioned for his
5 failure to appear. [Doc. No. 9.] Plaintiff's counsel requested that Taylor be allowed to appear
6 telephonically at the order to show cause hearing. [Doc. No. 11.] The Magistrate Judge granted
7 Plaintiff's request, however, Taylor again failed to appear. [Doc. Nos. 12-13.]

8 Krohn & Moss, Ltd.'s pending motion to withdraw as counsel is based on attorney
9 Mahadhi Corzano's representation that there has been a breakdown in the attorney-client
10 relationship with Plaintiff. [Doc. No. 7, p.3.] Specifically, counsel indicates he "has been unable
11 to speak with or otherwise communicate with Plaintiff despite repeated attempts," and
12 "irreconcilable differences have developed between Counsel and Plaintiff, which make it
13 impossible for Counsel to effectively represent Plaintiff in this action." [*Id.*] Before filing,
14 counsel informed his client that he intended to file the pending motion. [*Id.* at p.4.] On November
15 14, counsel served a copy of the filed motion on Plaintiff at his address in Escondido. [*Id.* at p.5.]
16 To date, the Court has received no objection from Plaintiff.

17 Upon due consideration, and following a review of the record in this matter, the Court
18 concludes Krohn & Moss, Ltd. has shown good cause to be relieved as counsel of record for
19 Plaintiff John C. Taylor. Taylor has demonstrated a lack of interest in litigating this case,
20 evidenced by his total disregard for the Court's orders instructing him to personally appear at the
21 scheduled ENE and order to show cause hearing. In addition, Taylor has been given ample notice
22 of his counsel's desire to terminate their attorney-client relationship, and to date, Taylor has not
23 filed an objection to his counsel's request to withdraw. Finally, the Court notes that this matter
24 remains in its early stages, as no scheduling order has issued.

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CONCLUSION

For the reasons set forth above, the Court **GRANTS** Krohn & Moss, Ltd.'s motion to withdraw as Plaintiff's counsel of record, and **ORDERS** as follows:

- (1) If John C. Taylor desires to pursue this action, within **thirty (30) days** from the date of this Order, he must either: (i) retain new counsel and have his new counsel file a notice of appearance with the Court, or (ii) he must file a notice of intent to proceed pro se.
- (2) Plaintiff is advised that if he does not provide the Court with the required notice within the time permitted, the Court will dismiss his action without further notice.
- (3) The Clerk of Court is instructed to terminate Krohn & Moss, Ltd. as Plaintiff's counsel of record.

IT IS SO ORDERED.

DATED: December 9, 2011



Hon. Michael M. Anello
United States District Judge